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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICARDO COPANTITLA,
DIEGO DIAZ DE LA VEGA,
IGNACIO GARCIA, FREDDY GUACHUN,
JULIO LANTIGUA, MANUEL LIZANDRO,
MARTIN LOPEZ, SEBASTIAN LOPEZ,
AUGUSTIN MALDONADO, HENRY MATUTE,
JOELITO MELENDEZ, AUSSENCIO RAMIREZ
AND JOSE LUIS VARGAS,

Plaintiffs,

v.

FISKARDO ESTIATORIO, INC. d/b/a THALASSA
RESTAURANT, GEORGE MAKRIS,
JULIA MAKRIS, STEVE MAKRIS, AND
FANTIS FOODS, INC.

Defendants.

No. 09-CV-1608 (RJH) (JCF)

USDC SDNY
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DATE FILED: 9/16/10

REVISED SCHEDULING ORDER**I. Revised Case Management Plan**

- a. There are no pending motions.
- b. The schedule for completion of discovery:
 - (i) Rule 26(a)(1) disclosures were previously completed.
 - (ii) Fact discovery should be completed by June 30, 2010.
 - (iii) Every party proponent of a claim (including any counterclaim, cross-claim, or third-party claim) that intends to offer expert testimony in respect of such claim must make their Rule 26(a)(2) disclosures by June 1, 2010. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim must make their Rule 26(a)(2) disclosures by July 1, 2010. No expert testimony (whether designated as rebuttal or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except under prior express permission of the Court, application for which must be made no later than 10 days after the date specified in the immediately preceding sentence.
 - (iv) Expert discovery should be completed no later than July 30, 2010.

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- c. The date for filing dispositive motions is September 22, 2010.
- (i) The date for filing a party's opposition to a dispositive motion is October 15, 2010.
 - (ii) The date for filing a party's reply in further support of a dispositive motion is October 26, 2010.
- d. The date for filing a final pretrial order is December 1, 2010.
- e. Trial Scheduling:
- (i) A jury trial is not requested.
 - (ii) The probable length of the trial is 10 days.
 - (iii) The case will be ready for trial on January 31, 2011.

2. Status of Settlement Discussions

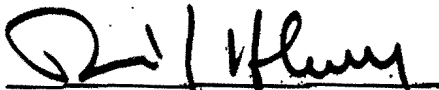
- a. Prior to filing the complaint, the Plaintiffs' counsel notified the Defendants' counsel of their legal claims and invited Defendants to discuss a resolution of this matter without need for the Court's intervention. Subsequent to that invitation, the parties spent more than two months prior to the filing of the complaint attempting to negotiate a resolution of this matter, but were unsuccessful in achieving a settlement. The parties also engaged in settlement discussions with the assistance of Magistrate Judge James C. Francis during the summer months of 2009, but were unsuccessful in achieving a settlement.
- b. Settlement discussions are not occurring at this time.
- c. The parties do not request a settlement conference at this time.

Dated: New York, New York

August 2, 2010

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SO ORDERED:



Richard J. Holwell
United States District Judge

O/A SET for
11/19/10 @ 10:00 am